

## A FEW WORDS FROM THE BENCH

## ON THE CITY'S WEAK DEFENSE IN NEGLIGENCE CASES.

After a jury before Supreme Court Justice Ford had returned a verdict for \$200 yesterday in a negligence case against the city of New York and a contracting firm, the court took occasion to comment on the manner in which the corporation counsel's office prepares a defense in such cases, in comparison with the defense of private litigants. The case at bar was a suit of Michael McNamara, a yacht engineer, against the contracting firm of Terry & Finch. McNamara was passing under the new Riverside Drive viaduct at 17th street in October, 1907, when a board of steel and struck him on the head.

"I think Mr. Watson might very well direct his attention to the manner of conducting negligence cases against the city of New York," said Justice Ford, when he would have less time to criticize the corporation counsel's office. "I believe it is a commendable thing when the city of New York is a defendant in such negligence cases, the defense of the city is so weak in comparison with the defense of private defendants. I think I might almost say that it is notorious and recognized by the Justices of the Supreme Court generally that the city of New York as a defendant is less efficiently represented before the court in these cases than private persons or corporations that come before the court. I am disposed to suggest that Mr. Watson might so occupy his mind rather than criticizing Justices of the Supreme Court. Now that is a matter of public record and any newspaper man or other man who wants it may have it."

Assistant Corporation Counsel Collins then stated that he represented the city in negligence cases because it was practically the head of the division. He asked the court to make his remarks more specific and state any one case where inefficiency or lack of defense had been shown.

"Mr. Watson himself may communicate with me personally, and I think perhaps that is the best way, if he wants to know why and where," said the court.

Assistant Corporation Counsel Price, who had defended the McNamara case for the city, then inquired if the court's remarks had been occasioned by anything occurring in the case at bar, and Justice Ford said:

"No, I see private defendants in negligence cases with the city so much better prepared to make a defense than the city is, and I assume some little privilege in making these remarks because I have done many things for this city of New York. Twenty millions of franchise taxes that are turned into the treasury of the city of New York, I think I may say with all due respect, were due to my own personal efforts as author of the franchise tax law. I interested myself as Senator and since I was Senator in providing rapid transit facilities for the city and the new subways and other projects are going to be constructed under statutes that I drew myself. I think that I may modestly claim that I am more directly responsible for the change in the rapid transit act than any other person in the city of New York, and it gives me much to see that the public interests are not as effectively safeguarded as private interests. That is the sum and substance of it. I have made a great many sacrifices for the public, I think, and have a deep interest in safeguarding public rights, and I think that is one of the moving causes of my criticism. It has been cumulative. The trouble with your defense is the class of witnesses."

Mr. Collins asked the court if he would state that what he had in mind was principally the charges of negligence against the city and Justice Ford replied, "No, that is only a partial statement of the matter."

Mr. Collins wanted to know if Justice Ford would say whether he criticized the ability with which counsel for the city conducted themselves, and the court said:

"I have no reflection and don't want to be understood as criticizing the conduct of the case in court, but I do think that Mr. Watson and I don't direct my criticism particularly to him, but to his predecessors in office as well as their system of preparing their defense in negligence cases, as, say, the defense of the Metropolitan Street Railway Company and others. I know how faithfully and how hard you men, Mr. Price and others, work to render efficient service, but there is something wrong with the system among the men along, something that you are not responsible for, but which ought to be remedied in some way in the public interest."

"I would like to know how," said Mr. Collins.

"I went into the details, I might suggest, but I think it would be unwise in me from the bench to point out how the corporation counsel's office ought to be run," said Justice Ford.

## MINE STRIKERS TO RETURN.

Employees of the Pennsylvania Coal Co. to Go Back to Work.

WILKESBARE, Pa., May 25.—Committees from the nine colonies of the Pennsylvania Coal Company which are opposing the strike of the 12,000 mine workers employed at them voted today to end the strike and agreed to direct the men they represent to report for work on next Tuesday. This conclusion was brought about by the efforts of President William Connell of the conciliation board and President Benjamin McNamara of the Mine Workers Union of this district. They acted as mediators between the company officials and the strikers and as mediators as they were able to conciliate the strikers that the company would not treat with them while they were on strike they won over the committee.

The company has agreed that when the men have gone back to work it will bear their grievances from each colliery and endeavor to settle them. If it is unable to do so it is willing to have each colliery board of arbitration decide the case presented to it by the decision.

There was no further rioting today, but the State troopers and special sheriff's deputies remained on guard at the collieries. They are to guard the works while the strike is over and the men are back at work.

## MINERS' MARCHES FORBIDDEN.

Court Order Issued to Prevent Violence in Fight with Coal Field.

PITTSBURGH, May 25.—No more striking miners are to march in the Irwin colliery. A permanent injunction order forbidding it was handed down in court today against the miners' organization and officers of all locals in the region. The order is granted on the petition of the New York and Cleveland Gas Coal Company, the largest operator in the region, and restrains the miners from "unlawful marching or parading."

The marches of the striking miners have been a time honored institution in the coal fields since Pittsburgh at every strike there have been parades and noisy marches. Several small riots have occurred around the New York and Cleveland company's mines in the last three weeks.

## ILLINOIS CENTRAL BOOKS.

Government Seizes Them on a Hunt for Express Station Bookings.

CHICAGO, May 25.—Hundreds of books and records of the Illinois Central Railroad have been seized by the Government preliminary to an investigation of alleged discrimination in rates and collusion with express companies. The Federal Grand Jury which will meet in Chicago next week is expected to take up the subject and hear witnesses for a week or more.

Many of the charges have already been aired before the Interstate Commerce Commission, which reported its findings to the Department of Justice, causing the latter to bring about the present situation.

W. S. Kenyon, former attorney for the railroad, was the legal counsel, is now in Chicago representing the Government and expects to assist District Attorney Sims in the present investigation.

Most of the charges brought against the road are from complaints of Standard Oil, which is now in Chicago, and by Edward G. Davis. He has filed numerous complaints and made frequent speeches.

## FAYETTE CO. GAS DIVIDEND.

Stockholders Get a Special of 37 1/2 Cents Per Share.

PITTSBURGH, May 25.—The Fayette County Gas Company today sent out checks to stockholders covering a special dividend of 37 1/2 cents. The par value of the stock is \$100 and the dividend amounts to a total distribution of \$37.50. This is in addition to the regular monthly dividend of one-half of 1 percent, paid on May 20.

The special dividend is the result of the sale of gas leases in West Virginia to the Hope Natural Gas Company, a Standard Oil subsidiary. From this transaction the company derived large sums of money and closed a contract for a liberal supply of gas on a profitable basis.

The Fayette County Gas Company is capitalized at \$1,000,000 and is controlled by the Manufacturers Light and Heat Company, which closed the deal with Standard Oil this week.

## BIG COKE CONTRACT.

Cambria Steel Co. Agrees to Take From 15,000 to 20,000 Tons a Month.

PITTSBURGH, May 25.—The largest coke contract in a year was closed up this week by the Cambria Steel Company of Johnstown, Pa., for about one-half the output of the Tower Hill Coke Company's ovens in the Connellsville region for two years, beginning on January 1 next, with a provision that in two years would amount to a total of 400,000 tons, equivalent to the output of the entire upper and lower Connellsville region for ten days at the present rate of production.

## PUT OUT BY CONTROLLER.

Two Clerks Lose Their Jobs as a Result of Queens Grant Case.

The two young clerks named Alexander McConnell and Frank O'Meara who were employed in the Finance Department and who were mentioned in accounts of the attempt to abstract from the office of the Commissioner of Accounts the false postage stamp vouchers were today dismissed by the Controller of the City of New York, John W. Mitchell.

## OCEAN TRAVEL TO BE IMMENSE.

Looking Ahead the Only Way to Be Sure of Getting Back Comfortably.

According to the steamship companies there have been booked for sailing next month nearly 18,000 cabin passengers, exclusive of those bound for the Mediterranean and the Adriatic. This is unequalled for the season and the prediction is made that the summer outflow will be ahead of anything on record. Naturally the homecoming throng will tax the capacity of the lines, with the visitors that always come this way in August and September, and some who have not provided for accommodation in the fall may have to travel second or third cabin, or even by the steamer.

## SOUTHERN RAILWAY'S NEW OFFICIALS.

The new officers of the Southern Railway Company in this city were thrown open yesterday for inspection. They are at 244 Fifth avenue, corner of Twenty-ninth street, the "furthest uptown" of any railroad entering this city from the South. After the various rooms and the improvement of the station have been pointed out to the guests a luncheon specially prepared under the direction of the dining car department of the Southern Railway was served.

The guests who received the guests were: H. H. Hardwick, passenger traffic manager; H. F. Cary, general passenger agent; H. A. Thwait, Eastern passenger agent; H. S. Jennings and C. C. Thorne, traffic manager; and L. S. Brown, general agent at Washington.

## CORDAGE AND ITS CREDITORS.

The answer of the Standard Cordage Company to the petition in bankruptcy presented by adjustment mortgage bondholders has been filed in the United States District Court. It states that the petitioners are not creditors, having no claims in excess of the value of the securities held by them to over \$500.

As by the terms of the bonds and mortgage the principal is not due until April 1, 1931, it states further that no interest has ever been earned on the adjustment bonds and that there have never been any net profits of the company in any year since its organization. It is also asserted that as there has been no default under the mortgage there is nothing due to the petitioners.

## INCREASE OF PAY BY STEEL CORPORATION.

PITTSBURGH, May 25.—Workmen in the United States Steel Corporation plants of Pittsburgh district received their first pay to-day at the advanced rate announced by the trust subsidiaries on May 1. The increases as shown on the pay envelopes at the Carnegie, National Tube and American Steel and Wire mills in Pittsburgh range from 4 to 12 percent.

## STEERING RAIL INJUNCTION DENIED.

ST. PAUL, Minn., May 25.—In the United States Circuit Court here to-day the great Northern Railway Company failed to get a hearing on its application for an injunction restraining the Interstate Commerce Commission from enforcing its order of sleeping car rates.

The court took cognizance of the fact that the suit was identical with that of the Pullman Company in Chicago application should be made there for right to intervene.

## WOMEN'S CLOTHES COTTON MILLS FOR A WEEK.

FALL RIVER, Mass., May 25.—The movement to close the cotton mills here for the whole of Memorial Day week fell through.

A large majority of the mill owners desired to stop, but the few who held out were sufficient to check the movement. The manufacturers who wanted to stop would not take a chance of losing operatives to the mills that were running. All except one or two plants are to be started up again on Tuesday morning.

## BROKER'S CLERK LOST A PILE

## BANKER RICHARD COMPLAINED OF E. F. HUTTON &amp; CO.

Went to the Exchange Governors After His Young Son Had Disappeared as Inheritance Playing the Stock Market—Discipline Not Based on This Case.

Oscar L. Richard, president of the State Bank, complained to the governors of the Stock Exchange that the firm of E. F. Hutton & Co. had accepted the account of his son, Walter L. Richard, who was employed by another Stock Exchange house. This complaint was made before the governors made their inquiry into the firm's reasons for paying Homer J. Barrett, one of its employees, a salary of \$1,000 a month, as a result of which inquiry the firm was recently suspended from the Stock Exchange for a year.

No decision of the governors on Mr. Richard's complaint has been announced and it is taken for granted that the decision will be in favor of the firm, although one inquiry may have led to the other.

It appears that young Richard lost a lot of money. His father said yesterday: "My son had been employed in another Stock Exchange house, and while so employed had been trading with E. F. Hutton & Co., where he lost a considerable part of securities he had inherited a short time previously. That was early in February. When I learned of this and being aware that the taking of such accounts by brokers is contrary to the rules of the Exchange I lodged a complaint with the governors against E. F. Hutton & Co., although I urged by my son not to do so, because I considered it wrong for any Stock Exchange firm to tempt young men to speculate, more especially those employed in the financial district or institutions, to prevent which the governors of the exchange have passed prohibitory laws."

Young Richard was graduated from Princeton in 1908 and is now 23 years old. After his father had discovered his losses he caused the son's immediate retirement from the exchange house with which he had been connected and got him a job with a glove concern in northern New York.

The amount of the losses Mr. Richard did not desire to state. Wall Street rumor had it that the amount was somewhere between \$50,000 and \$100,000. He was said by rumor that the young Princeton man had lost the money through speculating with more firms than the Huttons.

The father, however, said that he did not know of operations through any other firm. His son, he said, still owed the Hutton firm some \$200 of \$300—he was not sure about the exact amount. The son was in prison and has been making his home with his father.

Mr. Richard said that he had not made any demand against E. F. Hutton & Co. for the return of the money lost by his son but had called their attention to what he regarded as the irregularity of their taking such an account.

As to the possible connection of Homer J. Barrett, the extremely well paid employee of the Hutton firm, with the Hutton firm's operations, a member of the Hutton firm said yesterday that Barrett and Richard were friends, but that he was of the opinion that E. F. Hutton & Co. would not have employed Barrett if Richard's acquaintance with Edward F. Hutton himself as through his friendship for Barrett. The firm member was certain that Barrett never got a cent commission because of his connection with the Hutton firm.

## NEW ARBITRATION PLAN.

Building Trade Unions Would Like New to See Agreement Restored.

A movement has been started by some union men to restore the arbitration agreement with the Building Trades Employers Association. Its abolition is the result of the late strike of the steamfitters and the injunction secured by the Building Trades Employers Association while the strike was in progress, which makes it impossible for the union to enforce its disciplinary rules under the arbitration agreement in case of violations of the arbitration plan.

During the strike of the steamfitters the arbitration plan was suspended. Under these circumstances a meeting could have been called on the request of the representatives of five unions to the secretary of the general arbitration board to restore the plan.

The plan being suspended, there was officially no secretary of the board, but such a request could have been made to the Building Trades Employers Association.

The present movement is to have a new arbitration plan which would be so framed that the carrying out of its rules would not conflict with the injunction. The employers are incoherent at the hostile attitude of the union during the steamfitters' strike and when it was over the entire plan was abolished.

Yesterday it was admitted by representatives of the union who opposed the plan that they are sorry it was abolished. Even members of the Steamfitters Union are now for it, while the unions that stood for the plan all along predict uncertain times for the men in the building trades.

## SHOT TWO TRESPASSERS.

Indiana Woman Uses a Shotgun and One of the Victims May Die.

WASHINGTON, Ind., May 25.—Turner Hula, aged 42, is in a critical condition at his home in Reeve township and will Hedrick of the same neighborhood is suffering from gunshot wounds in the forehead as a result of a shooting escape near Alfordville, this county, last night. Mrs. Hula, a widow, 38, who admits the shooting, was arrested by the sheriff at her home and is in jail here.

Hula and Hedrick had been working near Huntington, where they were returning home. Mrs. Hula says that when they crossed her premises she ordered them off and Hula refused to go, drawing his revolver on her twice. She obtained a shotgun and fired once, the shooting was arrested by the sheriff. Hula was struck in the left shoulder and head and the chances are against his recovery. Hedrick was slightly wounded.

The Edwards family moved to Reeve township from Union two years ago. They have been on bad terms with the neighborhood. Mrs. Edwards told the prosecutor that Hula was the leader of a gang of young men who ill treated her on May 11, 1909, and that since then she had denied him the right to come on her premises.

## BANK CASHIER GOES FIVE YEARS IN JAIL.

PITTSBURGH, May 25.—Charles E. Nulien, former cashier of the Farmers and Merchants Bank of Mount Pleasant, Pa., who was convicted this week of misapplication of funds of the bank, was sentenced to prison for five years in the United States penitentiary at Leavenworth, Kan.

E. H. Steinman, who was convicted at the same time on a charge of aiding and abetting Nulien, was sentenced to prison for two years, but was secured a new trial.

## THE WALL STREET "BRAINING" NEWS.

The Wall Street edition of THE EVENING SUN contains all the financial news and the stock and bond quotations to the close of the market. The closing quotations, including the "bid and asked" prices, with additional news matter, are contained also in the fourth edition of THE EVENING SUN.

## THE BANK STATEMENT.

The weekly statement of averages of the principal banks of the country for the week ending May 21, 1910, is as follows:

Bank	Assets	Liabilities	Surplus
First Nat. Bank	\$1,100,000,000	\$1,100,000,000	\$1,100,000,000
Second Nat. Bank	\$1,000,000,000	\$1,000,000,000	\$1,000,000,000
Third Nat. Bank	\$900,000,000	\$900,000,000	\$900,000,000
Fourth Nat. Bank	\$800,000,000	\$800,000,000	\$800,000,000
Fifth Nat. Bank	\$700,000,000	\$700,000,000	\$700,000,000

The amount of United States deposits shown in the weekly statement is \$1,240,000,000, an increase of \$7,300,000 since the previous week. If these deposits were deducted from the aggregate given the surplus would be \$28,000,000.

The actual statement of the Clearing House institutions at the close of the week is revealed in the following figures:

Bank	Assets	Liabilities	Surplus
First Nat. Bank	\$1,100,000,000	\$1,100,000,000	\$1,100,000,000
Second Nat. Bank	\$1,000,000,000	\$1,000,000,000	\$1,000,000,000
Third Nat. Bank	\$900,000,000	\$900,000,000	\$900,000,000
Fourth Nat. Bank	\$800,000,000	\$800,000,000	\$800,000,000
Fifth Nat. Bank	\$700,000,000	\$700,000,000	\$700,000,000

The following table gives the percentage of cash reserves to deposits of the more prominent banks:

Bank	Cash	Reserve
First Nat. Bank	15.00	15.00
Second Nat. Bank	14.00	14.00
Third Nat. Bank	13.00	13.00
Fourth Nat. Bank	12.00	12.00
Fifth Nat. Bank	11.00	11.00

Important changes from the previous week in the cash reserves by the banks and their loans are as follows:

Bank	Cash	Reserve
First Nat. Bank	15.00	15.00
Second Nat. Bank	14.00	14.00
Third Nat. Bank	13.00	13.00
Fourth Nat. Bank	12.00	12.00
Fifth Nat. Bank	11.00	11.00

The State Banking Department reports the weekly condition of the State banks and trust companies as follows:

Bank	Assets	Liabilities	Surplus
First Nat. Bank	\$1,100,000,000	\$1,100,000,000	\$1,100,000,000
Second Nat. Bank	\$1,000,000,000	\$1,000,000,000	\$1,000,000,000
Third Nat. Bank	\$900,000,000	\$900,000,000	\$900,000,000
Fourth Nat. Bank	\$800,000,000	\$800,000,000	\$800,000,000
Fifth Nat. Bank	\$700,000,000	\$700,000,000	\$700,000,000

Imports and Exports.

The imports of specie for the week, as reported by the Customs Bureau, were \$4,700,000, and the exports were \$4,700,000, making total specie imports since January 1 \$4,700,000. Exports since January 1 \$4,700,000. The exports of specie since January 1 have been \$4,700,000; silver, \$1,875,000; gold, \$2,825,000.

## GUARANTEED STOCKS.

Stock	Price
First Nat. Bank	\$100.00
Second Nat. Bank	\$95.00
Third Nat. Bank	\$90.00
Fourth Nat. Bank	\$85.00
Fifth Nat. Bank	\$80.00

## FOREIGN INTELLIGENCE.

SPRINGFIELD, Ill., May 25.—Fred W. Potter was reappointed Insurance Superintendent of Illinois by Gov. Danes to-day for a term of four years.

## MARINE INTELLIGENCE.

MINISTERS JAPAN AT SEA.

San Francisco, May 25.—The Japanese minister's ship, the "Mikasa," arrived here today.

Arrived—Saturday, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

San Antonio, Hamburg, May 25.

## FINANCIAL AND COMMERCIAL.

SAUNDERS, May 25.

All the important news security markets were closed today. The European stock exchange, where business was transacted as usual, although dull, maintained a generally firm tone. In London money advanced fractionally to 8 1/2 percent for the account. Trading in American stocks was narrow, but at prices usually a shade above last night's closing level on this side. Canadian Pacific, the Harriman shares and United States Steel recorded gains of about 1/2 point in each case. Discount rates abroad ruled steady, but in Paris sterling exchange on London moved slightly in favor of the British capital and the discount rate there declined 1/4 percent.

Prices of American stocks in London to-day compared with Friday's final range and their New York equivalents were as follows:

Stock	Price
First Nat. Bank	\$100.00
Second Nat. Bank	\$95.00
Third Nat. Bank	\$90.00
Fourth Nat. Bank	\$85.00
Fifth Nat. Bank	\$80.00

## NEW YORK BANK STOCKS.

First Nat. Bank	100	100	100	100
Second Nat. Bank	95	95	95	95
Third Nat. Bank	90	90	90	90
Fourth Nat. Bank	85	85	85	85
Fifth Nat. Bank	80	80	80	80
U. S. Steel pt.	121	121	118	118

### NEW YORK BANK STOCKS.

	Bid.	Asked.		Bid.	Asked.
America.....	650	--	Irvt Nat Ws.	305	310
Am Ex.....	230	245 1/2	Jefferson.....	--	175
Audubon Nat100	105		Liberty.....	625	--
Citna N Br.	178	180	Lincoln.....	600	625
Battery Park	120	130	Manhat Co.	520	535